



In Focus

Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Bill (HL Bill 105 of 2016–17)

Key Provisions

The [Preventing and Combating Violence Against Women and Domestic Violence \(Ratification of Convention\) Bill](#) is a House of Commons private member's bill introduced by Eilidh Whiteford (SNP MP for Banff and Buchan) and is sponsored in the House of Lords by Baroness Gale (Labour). The Bill has completed all stages in the House of Commons and is scheduled to have its second reading in the House of Lords on 10 March 2017.

The Bill seeks to encourage the Government to ratify the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (referred to as the Istanbul Convention)¹, which the UK signed on 8 June 2012 but has yet to ratify. The Bill makes a number of provisions in this regard. It would require the Secretary of State to lay a report before each House setting out the steps required to enable the UK to ratify the Convention, and the timescale within which this is expected to happen. The report would have to be laid as soon as reasonably practicable after the Act came into force. Clause two would require the Secretary of State to lay a report before both Houses each year until ratification, setting out any changes to the timescale contained in previous reports; administrative measures taken by the Government to enable the UK to ratify the Convention; legislative proposals brought forward to enable the UK to ratify; and measures to be taken and legislation required to enable the UK to ratify the Convention.

The Bill would require the first annual report to be laid no later than 1 November 2017.

Background: The Istanbul Convention

The Istanbul Convention is a Council of Europe Convention on the prevention of violence against women and domestic violence. The Convention was adopted by the Council of Europe Committee of Ministers on 7 April 2011, was opened for signature on 11 May 2011 and entered force on 1 August 2014.² The UK signed the Convention on 8 June 2012 but has yet to ratify it.

Article 1 of the Convention states that its purposes are to:

- a) Protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;
- b) contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women;
- c) design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence;

- d) promote international co-operation with a view to eliminating violence against women and domestic violence;
- e) provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.³

On 4 March 2016, the European Commission proposed that the EU ratify the Convention.⁴

Commons Stages

Second Reading

At the Bill's second reading in the House of Commons on 16 December 2016, Eilidh Whiteford described the Istanbul Convention as a "ground breaking legal instrument" enshrining in law the right of women and girls to live lives free from violence or fear of violence.⁵ Dr Whiteford argued that efforts to eliminate violence against women needed to be intensified, citing statistics on the scale of domestic violence in the UK:

We badly need a step change in efforts to eliminate violence against women. Two women are killed by their partner or their ex every week in England and Wales alone. According to the crime survey for England and Wales, in the past year 1.2 million women were victims of domestic violence. In Scotland last year, more than 58,000 incidents of domestic violence were reported to the police. Across the UK as a whole, the police recorded more than 87,500 rapes and more than 400,000 sexual assaults. Given that many—possibly most—incidents of sexual assault and rape go unreported, we must not underestimate the scale of the challenge we face.⁶

Dr Whiteford said the ratification of the convention was important because it would give protection to women's refuge shelters in a "coordinated way so that we do not have one local authority cutting services while another maintains them".⁷ She argued that ratification would also force governments to work with one another and to think strategically about the coordinated provision of services.⁸ Dr Whiteford described the Bill as an attempt to "shift the logjam" and give the Government the impetus to bring the UK into compliance with the Convention.⁹

Sarah Champion, Shadow Secretary of State for Women and Equalities, welcomed the Bill and described the ratification of the Istanbul Convention as "incredibly important".¹⁰ She argued that urgent action was required to address and prevent violence against women and girls and that the Bill "would show that the Government are committed to that goal".¹¹ Philip Davies (Conservative MP for Shipley) spoke against the Bill on the basis that "we should have a convention that deals with all violence: violence against men as well as violence against women" and because he was opposed to supranational bodies "interfering in what we do in this country".¹²

Responding for the Government, Brandon Lewis, Minister for Policing and the Fire Service, stated that it remained committed to ratifying the convention.¹³ He also said that the UK already had measures in place to provide protection against violence for women and girls "in nearly all cases".¹⁴ However, before the UK ratified the Convention, the Minister stated it must ensure that it was fully compliant with it. He stated that whilst the UK had made progress on this (including the criminalisation of forced marriage) there were areas where the UK was not compliant, particularly on the issue of extra-territorial jurisdiction:

Further amendments to domestic law are necessary to comply with the extra-territorial jurisdiction requirements, which are in article 44 of the Convention. Article 44 requires the United Kingdom to take extra-territorial jurisdiction over these offences established in

accordance with the Convention when committed abroad by UK nationals. We already have extra-territorial jurisdiction over some of the offences covered by the Convention, including the common-law offence of murder, sexual offences against children, forced marriage and female genital mutilation. However, we need to amend domestic law to take extra-territorial jurisdiction over a range of other offences—in England and Wales, as well as in Scotland and Northern Ireland—before we are fully compliant and able to ratify the Convention.¹⁵

Mr Lewis said that the Government had concerns on the timescale imposed by the Bill. As introduced, the Bill would have required the Government to report within four weeks of the Act coming into force. He said that the Government wished to consult further with the devolved administrations, but it supported the Bill “in principle”.¹⁶ The Bill was given a second reading by 135 votes to 2.¹⁷

Committee Stage

No amendments were tabled at the Bill’s committee stage. Nevertheless, Sarah Newton, Parliamentary Under Secretary of State at the Home Office, signalled the desire of the Government to introduce amendments on report, specifically on the issue of reporting within four weeks of the Act coming into force. She also referred to the issue of extra-territorial jurisdiction stating that the National Assembly for Wales and the Scottish Parliament would need to legislate on the issue, and that this would require sufficient time.¹⁸ Nevertheless, Sarah Newton said she wanted to “put on record” the Government’s commitment to ratification.¹⁹ Responding to the Government at committee stage, Eilidh Whiteford said that “most of the Minister’s comments on amendments were very constructive and helpful”.²⁰ However, she expressed concern about the issue being put on the “back burner”.²¹

Report Stage and Third Reading

Seventeen government amendments were made to the Bill at its report stage, though a number of these were minor or consequential in nature.²² The House divided on the following amendments:

- Amendment 1. This removed clause one from the Bill (as introduced in the Commons). This would have placed a duty on the Secretary of State to take all reasonable steps “as soon as reasonably practicable” to enable the UK to become compliant with the Convention.²³ This was added to the Bill by 137 votes to 3.
- Amendment 14. The Bill as introduced to the Commons would have required the Secretary of State to report annually on how the UK is, and remains, compliant with the Convention. This requirement was removed by amendment 14. The amendment was added to the Bill by 135 votes to 3.
- Amendment 16. This amended the Bill’s title, leaving out “require the United Kingdom to ratify” and inserting “make provision in connection with the ratification by the United Kingdom of”.²⁴ This was added to the Bill by 132 votes to 2.

Amendment 3 was not divided on, but was added to the Bill. This changed the deadline for a report under clause one (in the Bill as introduced to the Lords) from four weeks to “as reasonably practicable” after the Act comes into force.²⁵ Other changes included amendment 15 which changed the time of commencement from on the day the Act receives royal assent to at the end of a the period of two months beginning with the day on which the Act is passed.

The Bill received its third reading by 138 votes to 1.²⁶

Further Information

- House of Commons Library, [UK Policy on Ratifying the Istanbul Convention on Preventing Violence Against Women](#), 21 February 2017

¹ [Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence](#).

² Council of Europe, '[Istanbul Convention: Action Against Violence Against Women and Domestic Violence: Historical Background](#)', accessed 2 March 2017.

³ [Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence](#), article 1.

⁴ European Commission, '[Commission Proposes EU Accession to International Convention to Fight Violence Against Women](#)', 4 March 2016.

⁵ [HC Hansard, 16 December 2016, col 1072](#).

⁶ *ibid.*

⁷ *ibid.*, col 1076.

⁸ *ibid.*, col 1074.

⁹ *ibid.*, col 1075.

¹⁰ *ibid.*, col 1115.

¹¹ *ibid.*, col 1118.

¹² *ibid.*, col 1107.

¹³ *ibid.*, col 1110.

¹⁴ *ibid.*, col 1111.

¹⁵ *ibid.*, col 1113.

¹⁶ *ibid.*, col 1115.

¹⁷ *ibid.*, cols 1133–4.

¹⁸ [Public Bill Committee, Preventing and Combating Violence Against Women and Domestic Violence \(Ratification of Convention\) Bill, 1 February 2017, 1st sitting, col 6](#).

¹⁹ *ibid.*, cols 6–7.

²⁰ *ibid.*, col 10.

²¹ *ibid.*

²² House of Commons, '[Votes and Proceedings: 24 February 2017](#)', pp 1–2.

²³ [Preventing and Combating Violence Against Women and Domestic Violence \(Ratification of Convention\) Bill](#), HC Bill 12 of session 2016–17, clause 1.

²⁴ House of Commons, '[Consideration of Bill \(Report Stage\)](#)', 24 February 2017, p 14.

²⁵ *ibid.*, p 8.

²⁶ *ibid.*, p 2.

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